

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 9, 2011
SAN FRANCISCO, CALIFORNIA**

S189941**BULLOCK (ERNEST) ON
H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S189982**FUENTES (ALFRED) ON H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S150518

C050289 Third Appellate District

**CALIFORNIA FARM
BUREAU FEDERATION v.
CALIFORNIA STATE
WATER RESOURCES
CONTROL BOARD**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to May 4, 2011, or the date upon which rehearing is either granted or denied, whichever occurs first.

S094890**PEOPLE v. MANIBUSAN
(JOSEPH KEKOA)**

Extension of time granted

Good cause appearing, and based upon counsel David S. Adams's representation that he anticipates filing the appellant's opening brief by March 18, 2011, counsel's request for an extension of time in which to file that brief is granted to March 18, 2011. After that date, no further extension is contemplated.

S109197**PEOPLE v. VAN PELT
(JAMES GLENN)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald S. Smith's representation that he anticipates filing the appellant's opening brief by October 10, 2011, counsel's request for an extension of time in which to file that brief is granted to April 11, 2011. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S141519**PEOPLE v. HIN (MAO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 8, 2011.

S171312**RAMIREZ (RICHARD M.) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Deputy Federal Public Defender Statia Peakheart's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by March 12, 2011, counsel's request for an extension of time in which to file that document is granted to March 14, 2011. After that date, no further extension is contemplated.

S182386**SMITH (DINO LOREN) ON
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to March 18, 2011.

S183527**ESTEB (BRADLEY) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the informal response is extended to May 16, 2011.

S184583 C061150 Third Appellate District**AMERICAN NURSES
ASSOCIATION v.
O'CONNELL (JACK)/
(AMERICAN DIABETES
ASSOCIATION)**

Extension of time granted

On application of American Diabetes Association and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to April 11, 2011.

S189413 B216604 Second Appellate District, Div. 3**DUKE (WOODY) v. AVIS
RENT A CAR SYSTEM, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition is extended to February 15, 2011.

S188631**MALIK ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that AFTAB ALAM MALIK, State Bar Number 171926, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

AFTAB ALAM MALIK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188634**MAZZA ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVEN LANCE MAZZA, State Bar Number 101076, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. STEVEN LANCE MAZZA is suspended from the practice of law for the first nine months of probation. This suspension will be consecutive to the suspension imposed in Supreme Court Order S185351;
2. STEVEN LANCE MAZZA must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 18, 2010; and
3. At the expiration of the period of probation, if STEVEN LANCE MAZZA has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

STEVEN LANCE MAZZA must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

STEVEN LANCE MAZZA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If STEVEN LANCE MAZZA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S188636**POESCHL, JR., ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that THOMAS FRANCIS POESCHL, JR., State Bar Number 127012, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

THOMAS FRANCIS POESCHL, JR., must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on September 27, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

THOMAS FRANCIS POESCHL, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188638**PRICE ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES GERHART PRICE, State Bar Number 119324, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. JAMES GERHART PRICE is suspended from the practice of law for the first 60 days of probation;
2. JAMES GERHART PRICE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving

Stipulation filed on October 12, 2010; and

3. At the expiration of the period of probation, if JAMES GERHART PRICE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES GERHART PRICE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188639**ZWIERLEIN ON DISCIPLINE**

Recommended discipline imposed

The court orders that ROBERT FRANK ZWIERLEIN, State Bar Number 138485, is suspended from the practice of law in California for 12 months, execution of that period of suspension is stayed, and he is placed on probation for 24 months subject to the following conditions:

1. ROBERT FRANK ZWIERLEIN must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 13, 2010; and
2. At the expiration of the period of probation, if ROBERT FRANK ZWIERLEIN has complied with the terms of probation, the 12-month period of stayed suspension will be satisfied and that suspension will be terminated.

ROBERT FRANK ZWIERLEIN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If ROBERT FRANK ZWIERLEIN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S188643**BRIGGS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BRUCE LEWIS BRIGGS, State Bar Number 196750, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BRUCE LEWIS BRIGGS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188647**COHEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RONALD MARC COHEN, State Bar Number 114421, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RONALD MARC COHEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188648**JONES ON DISCIPLINE**

Recommended discipline imposed

The court orders that BRUCE GORDON JONES, State Bar Number 43448, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. BRUCE GORDON JONES is suspended from the practice of law for the first 30 days of probation;
2. BRUCE GORDON JONES must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 30, 2010, as modified by its Order filed on October 20, 2010; and
3. At the expiration of the period of probation, if BRUCE GORDON JONES has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

BRUCE GORDON JONES must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188651**COLLETTE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEPHEN PAUL COLLETTE, State Bar Number 186439, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEPHEN PAUL COLLETTE must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on October 6, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

STEPHEN PAUL COLLETTE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S188654**HURLEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN A. HURLEY, State Bar Number 145907, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. JOHN A. HURLEY is suspended from the practice of law for a minimum of three years (with credit given for the period of inactive enrollment which commenced on April 23, 2008), and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Ruby Carson in the amount of \$7,000 plus 10 percent interest per year from May 1, 2002 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Ruby Carson, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - ii. He makes restitution to Yao Youshi in the amount of \$2,000 plus 10 percent interest per year from November 1, 2001 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Yao Youshi, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - iii. He makes restitution to Larry Legowski in the amount of \$1,255 plus 10 percent interest per year from January 1, 2003 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Larry Legowski, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - iv. He makes restitution to Joseph Brodeski in the amount of \$1,500 plus 10 percent interest per year from January 1, 2003 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Joseph Brodeski, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - v. He makes restitution to Tom Bokkes in the amount of \$10,000 plus 10 percent interest per year from August 1, 2002 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Tom Bokkes, in accordance with Business and

- Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
- vi. He makes restitution to Kristin Buzzell in the amount of \$5,000 plus 10 percent interest per year from July 1, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Kristin Buzzell, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - vii. He makes restitution to Pontea Davoud in the amount of \$1,000 plus 10 percent interest per year from April 1, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Pontea Davoud, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - viii. He makes restitution to Ace, Inc., or its legal successor, in the amount of \$2,500 plus 10 percent interest per year from January 1, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Ace, Inc., or its legal successor, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - ix. He makes restitution to Frederic Meyer, in the amount of \$3,500 plus 10 percent interest per year from January 1, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Frederic Meyer, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - x. He makes restitution to Carl Steward, in the amount of \$2,500 plus 10 percent interest per year from August 31, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Carl Steward, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - xi. He makes restitution to Georgina Connolly, in the amount of \$2,500 plus 10 percent interest per year from January 1, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Georgina Connolly, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - xii. He makes restitution to Juan Nava, in the amount of \$5,000 plus 10 percent interest per year from September 18, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Juan Nava, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - xiii. He makes restitution to James D. O'Connor, in the amount of \$4,500 plus 10 percent interest per year from July 18, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to James D. O'Connor, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - xiv. He pays the \$8,000 sanctions payable to Medibuy.com ordered by the Orange County

Superior Court in *IBO\$, Inc. v. Netinfo, Inc., et al.*, on February 14, 2002, and furnishes proof to the State Bar's Office of Probation in Los Angeles;

- xv. He pays the \$150 sanction ordered by the Riverside Superior Court on April 3, 2006, and the \$250 sanction ordered by the Riverside Superior Court on May 18, 2006, in *Taufi v. Sorenson, et al.*, Case No. RIC 440037 and furnishes proof to the State Bar's Office of Probation in Los Angeles; and;
 - xvi. JOHN A. HURLEY must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
- 2. JOHN A. HURLEY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 19, 2010.
 - 3. At the expiration of the period of probation, if JOHN A. HURLEY has complied with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN A. HURLEY must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

JOHN A. HURLEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

1016289-11

The HONORABLE STEVEN C. SUZUKAWA, Associate Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016290-11

The HONORABLE KATHRYN DOI TODD, Associate Justice of the Court of Appeal, Second Appellate District, Division Two, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or

disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016291-11

The HONORABLE THOMAS LYLE WILLHITE, JR., Associate Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016292-11

The HONORABLE FRED WOODS, Associate Justice of the Court of Appeal, Second Appellate District, Division Seven, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016293-11

The HONORABLE LAURIE D. ZELON, Associate Justice of the Court of Appeal, Second Appellate District, Division Seven, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016294-11

The HONORABLE CYNTHIA G. AARON, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016295-11

The HONORABLE RICHARD D. ALDRICH, Associate Justice of the Court of Appeal, Second Appellate District, Division Three, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters

submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016317-11

The HONORABLE REBECCA A. WISEMAN, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

1016318-11

The HONORABLE KENNETH R. YEGAN, Associate Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the Supreme Court, as a justice thereof, on February 8, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

